



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20535

APR 11 1997

Mr. Jerald N. Jones, Esq.
City Attorney
P.O. Box 31109
Shreveport, Louisiana 71130-1109

Dear Mr. Jones:

This refers to four annexations (Ordinance Nos. 207-210 (1995)) to the Shreveport City Court in Bossier and Caddo Parishes, Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your response to our request for additional information on February 13, 1997.

The Attorney General does not interpose any objection to the annexations effected by Ordinance Nos. 208-210 (1995) insofar as they affect the boundaries of the Shreveport City Court, as we understand that the areas annexed include two churches and one business property that will not be used for residential development. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Insofar as Ordinance No. 207 affects the boundaries of the Shreveport City Court, however, we reach a different conclusion. As you know, the Attorney General has interposed objections to annexations undertaken between 1966 and 1995 that expand the boundaries of the Shreveport City Court to include existing or projected population, as well as other changes, and has filed a lawsuit to enjoin the city from holding elections for the Shreveport City Court in these expanded boundaries. United States v. State of Louisiana, No. CV-96-1903 (W.D. La., filed August 12, 1996). Our most recent objection was interposed on October 24, 1996; three earlier objections were interposed on September 6, 1994, September 11, 1995, and December 11, 1995. On December 20, 1996, the three-judge court in United States v. State of Louisiana enjoined city court elections and ordered that the unopposed candidates deemed elected in 1996 not take office until Section 5 preclearance has been obtained for the annexations.

With regard to our prior objections under Section 5, we noted in our letters that the cumulative effect of the submitted annexations was an 11 percentage point decrease in the black population percentage. In light of the evidence that local judicial elections are characterized by racial bloc voting, we concluded that the annexations effect a significant reduction in the opportunity of black voters to elect candidates of their choice in city court elections. We noted, however, that these annexations could nevertheless warrant Section 5 preclearance if the jurisdiction has obviated the retrogressive effect by adopting an election system "which would afford [black voters] representation reasonably equivalent to their political strength in the enlarged community." City of Richmond v. United States, 422 U.S. 358, 370 (1975).

We examined the method of electing city court judges to determine whether the election system legally in effect under Section 5 (i.e., two judges elected at large by designated positions, subject to a majority voter requirement) or the system proposed by Act No. 501 (1992) (one judge elected from a 73 percent black district and three judges elected by designated positions from a 35 percent black district), satisfied the City of Richmond test. For the reasons stated in our September 6, 1994, letter, and reiterated in subsequent letters, we concluded that neither system fairly reflected minority voting strength in the expanded jurisdiction and that reasonable alternatives existed that would afford black voters representation reasonably equivalent to their political strength in the enlarged city court jurisdiction.

In the five months that have passed since our last objection, no changes to the method of electing the judges of the Shreveport City Court have been adopted by the state legislature. Thus, the election system against which we assess the impact of proposed boundary changes remains the same.

Although the annexation in Ordinance No. 207 is uninhabited at present, it is slated for residential development in the near future. Based on existing residential patterns, future residents in these areas can be expected to be predominantly white. See City of Pleasant Grove v. United States, 479 U.S. 462, 471 (1987) ("Section 5 looks not only to the present effects of changes, but to their future effects as well.") Thus, the newly proposed annexation would increase the dilution of minority voting strength which we have previously found to be objectionable without providing an electoral system that would fairly reflect the minority population in the expanded city court jurisdiction.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. Georgia v. United States, 411 U.S. 526 (1973); see also 28 C.F.R. 51.52. In light of the considerations discussed above, I cannot conclude that your burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the annexation in Ordinance No. 207 (1995) as it impacts the boundaries of the Shreveport City Court.

We note that under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the annexation proposed in Ordinance No. 207 (1995) has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. See 28 C.F.R. 51.44. In addition, you may request that the Attorney General reconsider the objection. See 28 C.F.R. 51.45. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the proposed annexation continues to be legally unenforceable insofar as it affects voting. See Clark v. Roemer, 500 U.S. 646 (1991); Dotson v. City of Indianola, 514 F. Supp. 397, 403 (N.D. Miss. 1981), aff'd mem., 455 U.S. 936 (1982); 28 C.F.R. 51.10. With regard to annexations that were the subject of prior objections under Section 5, we note that a declaratory judgment is being sought. Louisiana v. United States, CA. No. 97-241 (D.D.C., filed February 4, 1997).

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action the Shreveport City Court plans to take concerning this matter. If you have any questions, please call Tim Mellett (202) 307-6262, an attorney in the Voting Section.

Sincerely,



Isabelle Katz Pinzler
Acting Assistant Attorney General
Civil Rights Division